
Choosing Environmental Consultants for Cleaning Up Heating Oil Discharges

Introduction

You may find that cleaning up an oil spill at your residence can be not only complex but expensive. You may also be surprised to learn that your case is relatively simple and well within your budget. In either case you will need to retain an environmental consultant or contractor.

This brochure is intended to help you choose a consultant or contractor to meet your needs.

Where Do I Start?

Before you look for an environmental consultant you should have a general idea of what the laws and regulations require you to do.

A good place to start is with your attorney or the Department of Environmental Protection (DEP). Call the DEP's Division of Remediation Support, Case Assignment Section, at (609) 292-2943 for information on how to enter the Voluntary Cleanup Program.

Cleaning up a leaking fuel storage tank at your residence will involve several steps depending on the circumstances of your discharge (nature and extent of contamination) and other factors. The DEP's Homeowner's Guide to Cleanup Up Heating Oil Discharges provides an overview of the cleanup process. Additional copies are available by calling (609) 584-4150 for the Bureau of Southern Field Operations or (973) 669-3960 for the Bureau of Northern Field Operations.

Your contractor will need to develop a specific scope of work outlining the tasks to be completed. You may wish to have a schedule for completion of each of these tasks to assist in evaluating the timeliness of your project. Your contractor will need to follow specific regulatory guidance regarding how to conduct and report all findings to the DEP. These requirements are outlined in the Technical Requirements for Site Remediation (N.J.A.C. 7:26E). Copies of the Technical Requirements may be obtained from the West Group at 1-800-808-9378 (press #2), or on the DEP's web site at <http://www.state.nj.us/dep/srp/regs/regsinfo.htm>.

Where Do I Go Now?

Once you have a clear understanding of the scope of work required you will want to develop a list of potential consultants. The State of New Jersey does not have a consultant certification program for residential cleanup work. Environmental contractors are listed in the telephone book's Yellow Pages under Environmental Services or Tank Installation and Removal. You may wish to consult with your attorney, local health department, or local building department or code official for



New Jersey Department of Environmental Protection
Site Remediation Program

recommendations. Although the DEP can not recommend a specific consultant, we do recommend several questions you should ask prospective consultants. The answers to these questions should enable you to make an informed selection.

Questions for Prospective Consultants

- ☐ Is the consultant familiar with the regulations that govern the remediation of contaminated sites in New Jersey?

The answer to this question is critical. At a minimum a consultant performing site remediation work must be familiar with:

1. The *Technical Requirements for Site Remediation* (N.J.A.C. 7:26E)
2. The *Procedures for the Department Oversight of Contaminated Site Remediation* (N.J.A.C. 7:26C)
3. The most recent version of the DEP Field Sampling & Procedures Manual

If a consultant does not have a thorough knowledge and understanding of these regulations, project delays and additional costs may result.

Call the references given by the consultant. Ask former clients whether the consultant submitted documents which met DEP approval or whether repeated efforts were needed to meet regulations. Ask whether or not the consultant worked effectively with both him/her and the DEP case manager.

- ☐ What projects has the consultant completed that are similar to your needs?

Request a list of completed projects and the names of the customers who engaged the services of the consultant. This should help you determine whether the consultant has experience suited to your needs. If the consultant has completed similar projects get in touch with the references provided. Ask the scope and nature of the services provided and whether they were satisfied with the work performed and the timeliness.

- ☐ What individual(s) will be assigned to your project and what qualifications, training or experience do they hold? Ask for resumes.

Again, with the exception of persons performing work on regulated USTs, New Jersey does not have a consultant certification program. Specific knowledge about the training and experience of those individuals who will be representing your interests should be acquired and reviewed. Request the resumes of all persons who will be assigned to the project. At a minimum any person performing remediation work should be trained in health and safety protection in accordance with federal requirement 29 C.F.R. 1910.

- ☐ What types of liability insurance (e.g. pollution liability or errors and omissions) does the consultant (or any subcontractors they plan to use) have? What does the policy cover and what are the limits?

You should review the consultant's insurance coverage in detail. Your careful consideration will help you make an informed decision regarding the risks you are willing to take. For example, the consultant could cause new contamination, worsen the existing contamination, or damage a third party's personal or real property. The absence of the right type of insurance may subject you to liability for accidents caused by the consultant.

- ☐ How does the consultant bill you? Request a cost estimate for your scope of work.

A consultant cannot guarantee whether contamination will be found and if so to what extent. It is therefore difficult to precisely predict the cost of a project. Consultants bill on



a time and materials basis. The time required will vary for each project. Nonetheless it is crucial to ask for an estimate.

Bear in mind that individual consultant billing rates and estimated costs are not necessarily good indicators of the quality of the work. Remember, if the work is not completed correctly, additional costs will be incurred to comply with DEP regulations.

❑ Does the consultant have adequate staff to complete the project within your specified time?

If the consultant will not be able to complete your project within the time you require, it may be advisable to select another consultant. Ask the consultant for a schedule for your project. Check the consultant's references regarding the timeliness of his/her work.

The Final Decision

With the knowledge you obtained regarding the experience of the consultant, you should be able to make an informed selection. Just as you would call several contractors and obtain several bids on home improvement projects, you should take the time to do the same when selecting a consultant for site remediation work.

You may contact the Division of Consumer Affairs at (973) 504-6200 to determine if the contractor has a history of complaints. Request a written proposal. The proposal should include a start date in addition to the expected duration for the project. After you receive the proposals, interview the firms that have provided high quality, competitively priced proposals and have presented a clear understanding of your goals and service requirements. You may wish to contact your homeowner's insurance company to determine if they have any experience with any of the consultants. This is especially important if the insurance company will be paying any portion of the remedial costs.

Department Review

The DEP reviews all site remediation proposals and reports for conformance with the applicable regulations. The consultant you select should clearly demonstrate a knowledge of these regulations and procedures, thus ensuring an acceptable, timely and cost effective remediation.

Procedures and fees for DEP review and oversight of the site remediation work are codified in regulation at N.J.A.C. 7:26C.

Further Help

If you have any questions regarding these suggestions please call the Case Assignment Section at (609) 292-2943. We are ready to help you.

For copies of N.J.A.C. 7:26C or N.J.A.C. 7:26E, please contact the West Group at 1-800-808-9378 (press #2) or visit the DEP's web site at <http://www.state.nj.us/dep/srp/regs/regsinfo.htm>.



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James E. McGreevey, Governor

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